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10/721,865	11/26/2003	Edward P. Szuszczewicz	EPSZ.0010000	6067

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EXAMINER	
RUTLEDGE, AMELIA L	

ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,865	SZUSZCZEWICZ, EDWARD P.	
	Examiner	Art Unit	
	Amelia Rutledge	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16,18-20,22,24-28 and 30-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *16,18-20 and 22* is/are allowed.

6)☒ Claim(s) *24-28 and 30-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed 09/12/2007.

2. Claims 16, 18-20, 22, 24-28, and 30-40 are pending. Claims 16, 24, and 38 are independent claims.

3. Applicant is requested to provide the relevant portions of the specification which are being relied upon to provide support for new claims 38-40.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 24, 26-28, 31, 36, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (hereinafter "Yang"), U.S. Patent No. 6,301,586 B1, issued October 2001, in view of Tomat et al. (hereinafter "Tomat"), U.S. Patent No. 6,784,925 B1, issued August 2004.

Regarding independent claim 24, Yang teaches a method for generating a photo album page, comprising opening a photo album page on a computer screen and assigning a background to said photo album page (col. 5, l. 41-col. 6, l. 45; col. 17, l. 45-57; Fig. 16). Yang teaches selecting a layout configuration for said photo album page, said layout configuration defining a number of photos to be included on said photo album page, aspect ratios of said photos, and positioning of said photos on said photo

album page, wherein said selecting is based on a graphical user interface that enables user navigation of a hierarchical organization of a library of layout configurations based on a number of photos specified by a user for said photo album page (Figs. 13, 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3; col. 5, l. 41-col. 6, l. 45), since Yang teaches a template wizard graphical user interface with a hierarchical organization of a library of layout configurations based on a number of photos specified by a user.

Yang teaches that the user specified number of photos is used to generate a graphical listing of thumbnail images representing a subset of said library of layout configurations, said subset of said library of layout configurations supporting only those layout configurations having said user specified number of photos (col. 17, l. 31-42; Fig. 14). Yang teaches placing a plurality of photos on said photo album page at locations defined by said selected layout configuration (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3).

Yang does not explicitly disclose that the dialog window for selecting layout configurations displays *a selectable subset of said library of layout configurations.* Figs. 14 and 21 of Yang disclose radio buttons in a "number of Pictures per Page" dialog, allowing the user to select a number of pictures per page, and a "Picture Layout" dialog, allowing selection of a Horizontal, Vertical, or Diagonal Layout, that Yang discloses a selectable subset of the library of layout configurations. However, the relevant text in Yang's disclosure recites that the dialog will show sketches of two pictures displayed in the layout configurations horizontally, vertically, or diagonally and that the sketches will not change based on the number of pictures per page (col. 14, l. 53-col. 16, l. 6).

Therefore while Yang suggests selecting from a display of layout configurations, Yang is not explicit in disclosing that there is a selectable subset of said library of layout configurations for the user specified number of photos. However, Tomat explicitly discloses the limitation, *said user specified number of photos being used to generate a graphical listing of thumbnail images representing a selectable subset of said library of layout configurations, said selectable subset of said library of layout configurations supporting only those layout configurations having said user specified number of photos.* Tomat discloses a system to manage and print digital camera images (col. 1, l. 55-col. 3, l. 10). Tomat discloses a series of graphical user interface dialogs which generate thumbnail images representing a selectable subset of layout configurations, supporting a user specified and selected number of photos (Fig. 35, item 308; Fig. 38, item 328; Fig. 37; col. 19, l. 50-65). Tomat explicitly discloses that a user may select layout options for between one and four photos per page, and discloses that a user may select from different layout options based on each number of photos, because Tomas discloses in Fig. 37 the different selectable layout options corresponding to the dialog selection of Fig. 5, item 308, and describes the selection in col. 19, l. 50-65.

Both Yang and Tomat are directed to photo printing software systems. It would have been obvious to one of ordinary skill in the art to apply the dialog selection disclosed in Tomat (Fig. 37) to the system of Yang, since both disclosed selectable graphical user interface dialog windows, and Tomat was designed to manage a digital camera and the data files stored therein using the standard windows interfaces (Tomat col. 1,l. 28-34), and therefore it would have been both obvious and desirable to apply

the additional printing functions and interface options taught by Tomat with those disclosed by Yang so that the user would have the benefit of more printing options.

Regarding dependent claims 26-28, Yang teaches selecting a background from a library of backgrounds that are represented by thumbnail images, assigning a background image to the photo album page, and assigning a solid color background to the page (Fig. 16; col. 17, l. 45-57).

Regarding dependent claim 31, Yang teaches defining sizes and positions of text entries (col. 15, l. 30-36).

Regarding dependent claim 36, Yang teaches defining size and orientation for the photos (col. 5, l. 41-col. 6, l. 45).

Regarding independent claim 38, Yang discloses *a photo album page generating method, comprising: receiving a user specification of a number of photos to be displayed on a photo album page*; Yang teaches a template wizard graphical user interface with a hierarchical organization of a library of layout configurations based on a number of photos specified by a user (col. 17, l. 31-42; Fig. 14, 21). Yang teaches placing a plurality of photos on said photo album page at locations defined by said selected layout configuration (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3).

Yang discloses *identifying those layout configurations in a library of layout configurations that contain said user specified number of photos, wherein said library of layout configurations contains layout configurations with different numbers of photos*; Figs. 14 and 21 of Yang disclose radio buttons in a "number of Pictures per Page" dialog, allowing the user to select a number of pictures per page, and a "Picture Layout"

dialog, allowing selection of a Horizontal, Vertical, or Diagonal Layout, that Yang discloses a selectable subset of the library of layout configurations. The relevant text in Yang's disclosure recites that the dialog will show sketches of two pictures displayed in the layout configurations horizontally, vertically, or diagonally and that the sketches will not change based on the number of pictures per page (col. 14, l. 53-col. 16, l. 6; Table 3). Yang discloses a library of layout configurations in col. 16, Table 3, but does not disclose displaying the library of configurations as a plurality of thumbnail images.

Thus Yang does not explicitly teach *displaying, in a graphical user interface, a plurality of thumbnail images representative of only said identified layout configurations, wherein said displayed thumbnail images are individually selectable by a user to apply a pre-defined photo layout onto a photo album page*; however Yang does disclose displaying a plurality of thumbnail images representing layout configurations in a graphical user interface (Fig. 14, 21). Tomat is relied upon to disclose displaying a thumbnail representative of said identified layout configuration, where the displayed thumbnail is individually selectable by a user to apply a predefined layout onto a photo print page, because Tomat discloses a series of graphical user interface dialogs which generate thumbnail images representing a selectable subset of layout configurations, supporting a user specified and selected number of photos (Fig. 35, item 308; Fig. 38, item 328; Fig. 37; col. 19, l. 50-65). Tomat explicitly discloses that a user may select layout options for between one and four photos per page, and discloses that a user may select from different layout options based on each number of photos, because Tomas

discloses in Fig. 37 the different selectable layout options corresponding to the dialog selection of Fig. 5, item 308, and describes the selection in col. 19, l. 50-65.

While Tomat discloses one thumbnail image, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the display of a plurality of selectable thumbnail images which represent layouts disclosed by Yang (Figs. 14, 21), with the single thumbnail image displaying a layout option for a user specified number of photos disclosed by Tomat (Fig. 35, item 308), since both inventions utilized the display of several thumbnails in a graphical user interface to facilitate user selection of layouts, and thus Tomat would have had the benefit of additional user interface selections as disclosed in Yang Fig. 14, resulting in a more interactive and easy to use graphical user interface.

Regarding dependent claim 39, Yang teaches wherein a layout configuration specifies a placement of photos and an aspect ratio of said photos (col. 16, l. 1-58; col. 19, l. 2-col. 20, l. 28) because the configuration tables specify size and orientation of photos, as well as placement on the page. The definition of aspect ratios is implicitly disclosed since each album has a database entry defining an aspect ratio, see Table 1.

Regarding dependent claim 40, Yang teaches wherein a thumbnail image shows a placement of photos and an aspect ratio of said photos (col. 16, l. 1-58; col. 19, l. 2-col. 20, l. 28) because the thumbnails specify size and orientation of two photos, as well as placement on the page. The definition of aspect ratios is implicitly disclosed because each album has a database entry defining an aspect ratio, see Table 1. Further, it appears that the thumbnails of Figs. 14 and 21 and preview images use a

standard aspect ratio of 2:3 which is the standard ratio of width to height in photographic prints.

5. Claims 25, 30, 32-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Tomat as applied to claims 24, 26-28, 31, and 36 above, and further in view of Angiulo et al. (hereinafter "Angiulo"), U.S. Patent No. 6,964,025 B2, published September 2002, issued November 2005.

Regarding dependent claim 25, while Yang in view of Tomat does not explicitly teach opening a blank page, Angiulo teaches opening a blank page for a web photo gallery if no images are present in the images list (col. 9, l. 60-67).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Tomat, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 30, while Yang in view of Tomat suggests placeholders because Yang discloses predefined templates with layout for pictures, Angiulo teaches selecting a layout configuration from a hierarchical library of templates including placeholders for photo images (col. 13, l. 8-col. 14, l. 4).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Tomat, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 32 and 33, while Yang in view of Tomat teaches drag and drop functionality which suggests dragging and dropping a photo onto the page, and Angiulo teaches dragging and dropping and copying and pasting photos to a web photo gallery (col. 3, l. 25-55).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Tomat, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 34, while Yang in view of Tomat suggests placeholders because Yang discloses predefined templates with layout for pictures, Angiulo teaches selecting a layout configuration from a hierarchical library of templates including placeholders for photo images (col. 13, l. 8-col. 14, l. 4; col. 14, l. 60-col. 15, l.

10) and selecting a group of images from an image list and automatically associating the group of images with the template placeholder locations and formats.

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Tomat, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 35, while Yang in view of Tomat does not explicitly teach adjusting dimensions of a frame border and a photo relative to each other, Angiulo teaches automatically adjusting dimensions of a frame border and a photo relative to each other (Fig. 9).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Tomat, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 37, while Yang in view of Tomat does not explicitly teach that the hierarchical organization of the library of layout configurations is also

based on an aspect ratio of photos, Angiulo teaches that the hierarchical organization of the library of layout configurations is also based on an aspect ratio of photos (col. 17, l. 16-40).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Tomat, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Allowable Subject Matter

1. Claims 16, 18-20, and 22 are allowed.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection includes the Tomat patent, which is being relied upon to teach the newly claimed limitations of independent claim 24, and new claims 38-40.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Atkins et al. U.S. Patent No. 7,148,990 B2 issued December 2006

Simon et al. U.S. Pub. No. 2002/0040375 A1 published April 2002

Sano et al. U.S. Pub. No. 2002/0073121 A1 published June 2002

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER